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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,819	08/25/2008	Thomas Schweiker	026032-5034	5053
22428	7590	03/24/2010	EXAMINER	
FOLEY AND LARDNER LLP			MCPARTLIN, SARAH BURNHAM	
SUITE 500				
3000 K STREET NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20007			3636	
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			03/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/572,819	SCHWEIKER, THOMAS	
	<b>Examiner</b>	<b>Art Unit</b>	
	SARAH B. MCPARTLIN	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 22 March 2006 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/22/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgement is made of applicant's claim for foreign priority based on application number 103 44 296.0 filed in Germany on 23 September 2003.

### ***Information Disclosure Statement***

2. The information referred to in the information disclosure statements filed on 22 March 2006 has been considered as to the merits.

### ***Claim Objections***

3. Claims 3, 6, 10 and 14-15 are objected to because of informalities. The following words/phrases lack sufficient antecedent basis:

- Claim 3, line 2: the layers
- Claim 6, line 2: the plurality of supports
- Claim 10, line 2: the rear side
- Claim 14, line 2: the connecting components
- Claim 15, line 2: the supporting structure component

Appropriate correction is required.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the multiple layers (claim 2), flat conductors (claims 7 and 18) and interlacing

connections (claim 15) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 7-9, 11, 13-16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Jinno et al. (6,356,187). With respect to claim 1, Jinno discloses a seat (1B) (Figure 9), in particular for a vehicle, having a supporting structure (2), a support (1a) and wiring (7a)(7b)(E1)(E2), apart from seating heating systems, characterized in that the wiring (7a)(7b)(E1)(E2) is fixed to the support (1a).

With respect to claim 2, the support (1a) is at least partially multi-layered, including layers (4)(6)(9), with the wiring preferably being fixed to one of the layers (6).

With respect to claim 3, the layers (4)(6)(9) are formed from different materials (i.e. cushion material, covering material, fabric).

With respect to claim 4, the seat (1B) includes a plurality of supports (1a) and (1b), and the wiring is fixed to at least one of the supports (1a).

With respect to claim 7, the wiring (7a)(7b)(E1)(E2) includes flat conductors (E1) and (E2).

With respect to claim 8, the wiring is fitted in the support (1a) given that it is positioned between individual layers of the support.

With respect to claim 9, the support (1a) has a visible side (comprised of cover (9) and a rear side (comprised of the rest of the support), and in that the wiring is provided on the rear side of the support.

With respect to claim 11, the fixing of the wiring takes place by adhesive bonding (column 2, line 62).

With respect to claim 13, circuit components (10)(14)(15A)(15B)(16)(17) form parts of the wiring.

With respect to claim 14, the wiring, including conductors (E1)(E2), is connected to a supporting structure component (6) and can be manufactured in advance by “weaving stringy metal in fabric, by applying electrically conductive paint on fabric, by metal plates, by metal foils such as copper foils, aluminum foils etc., buy flexible printed circuit boards, etc. “(column 9, lines 56-60).

With respect to claim 15, the wiring is connected to a supporting structure component (6) by way of interlacing connections in the form of “hook-and-loop (VELCRO) fasteners (column 9, line 66).

With respect to claim 16, the wiring is essentially as flexible or more flexible as the support (1a).

With respect to claims 18-19, a vehicle seat (1B) includes a flat conductor wiring (E1)(E2) therein, the flat conductor wiring being apart from any seat heating system, the vehicle seat comprising a seat having a support (1A), the flat conductor wiring being fixed in the support.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jinno et al. (6,356,187) in view of Suematsu (5,329,096). As disclosed above, Jinno reveals all claimed elements except wiring mounted on a felt mat.

Suematsu discloses a felt mat (11) upon which wiring (6) is mounted.

It would have been obvious to one of ordinary skill in the art at the time the instant invention as made to use felt (11) as taught by Suematsu for the base material (6) disclosed by Jinno et al. All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jinno et al. (6,356,187) in view of Kustanovich (4,644,801). As disclosed above, Jinno et al. reveals all claimed elements with the exception of a plurality of layers of wiring arranged on above another.

Kustanovich discloses a pressure transducer with a plurality of layers of wiring positioned on above the other.

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to use a plurality of layers of wiring as taught by

Kustanovich since such a configuration can tell more about the occupancy of the seat to the controller, thereby improving the safety provided by the passenger detection system of Jinno. Furthermore, all of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jinno et al. (6,356,187). Jinno et al. reveals all claimed elements with the exception of the method steps of “fixing”, “fitting” and “joining.” The structure disclosed by Jinno et al. makes the method steps obvious to one of ordinary skill in the art since the wiring is fixed to a layer (6) of the support (1a) by bonding (column 9, line 62), the layers (4)(6)(9) are clearly fit onto the seat since they are positioned thereon, and the wrapped configuration of the covering (9) joins the layers of the support together.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Tucknott et al. (4,633,237); Gilbert et al. (5,878,620); Fortune et al. (6,490,936); Smith et al. (6,918,612); Fultz (6,927,678); Kuboki et al. (6,345,839) and Hanzic (5,288,974).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH B. MCPARTLIN whose telephone number is (571)272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarah B. McPartlin/  
Primary Examiner, Art Unit 3636

23 March 2010

